

REMARKS

Applicants are filing a Request for Continued Examination and an Amendment in response to the final Office Action of October 23, 2008. Applicants ask that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1-7, 9, 10, 13-17, 19-22, 27-34, 39-45, 47, 48, 51-55, 57-60, and 65-71 are pending, of which claims 1, 22, 31, 39, 60, and 69 are independent. Claim 34 has been withdrawn from consideration, leaving claims 1-7, 9, 10, 13-17, 19-22, 27-33, 39-45, 47, 48, 51-55, 57-60, and 65-71 presented for examination.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-7, 9, 10, 13-17, 19-22, 27-33, 39-45, 47, 48, 51-55, 57-60, and 65-71 have been rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 6,029,195 (hereinafter "Herz") in view of Allenby, Greg M., et al., "Using Extremes to Design Products and Segment Markets," *Journal of Marketing Research*, Vol. XXXII, pages 392-403 (November 1995) (hereinafter "Allenby"). Applicants have amended independent claims 1, 22, 31, 39, 60, and 69 and request reconsideration and withdrawal of the rejection of claims 1-7, 9, 10, 13-17, 19-22, 27-33, 39-45, 47, 48, 51-55, 57-60, and 65-71 at least because Herz and Allenby, when taken alone or in combination, do not describe or suggest all of the features recited in each of amended independent claims 1, 22, 31, 39, 60, and 69.

Claims 1-7, 9, 10, 13-17, 19-21, 39-45, 47, 48, 48, 51-55, and 57-59

As amended, independent claim 1 recites, among other features, selecting a first subgroup of consumers as a match for a first consumer, determining a first adjustment factor for use in adjusting a stored value that is reflective of the first consumer's preference for at least one attribute level based on the first consumer's answers to a first set of trade-off questions and predicted answers to the first set of trade-off questions for the first consumer, and adjusting the stored value that is reflective of the first consumer's preference for the at least one attribute level

as a function of the determined first adjustment factor and an average value of the first sub-group's preference for the at least one attribute level.

As these features of independent claim 1 have been newly added to independent claim 1 by way of this Amendment, these features naturally were not addressed by the final Office Action of October 23, 2008. Furthermore, Herz and Allenby, when taken alone or in combination, do not describe or suggest these newly added features of independent claim 1. Accordingly, applicants request reconsideration and withdrawal of the rejection of independent claim 1 and dependent claims 2-7, 9, 10, 13-17, 19-21, which depend from independent claim 1.

As amended, independent claim 39 recites features that are similar to the features discussed above in connection with independent claim 1 and does so in the context of a medium storing processor-executable process steps. Accordingly, for at least the reasons discussed above in connection with independent claim 1, applicants request reconsideration and withdrawal of the rejection of independent claim 39 and dependent claims 39-45, 47, 48, 48, 51-55, and 57-59, which depend from independent claim 39.

Claims 22, 27-30, 60, and 65-68

As amended, independent claim 22 recites, among other features, selecting a particular sub-group of consumers as a match for a particular consumer, determining an adjustment factor for use in adjusting a stored value that is reflective of the particular consumer's preference for at least one attribute level based on the particular consumer's received answers to a set of trade-off questions and predicted answers to the set of trade-off questions for the particular consumer, and adjusting the stored value that is reflective of the particular consumer's preference for the at least one attribute level as a function of the determined adjustment factor and an average value of the particular sub-group's preference for the at least one attribute level.

As discussed above in connection with independent claims 1 and 39, Herz and Allenby, when taken alone or in combination, do not describe or suggest these newly added features of independent claim 22. Accordingly, applicants request reconsideration and withdrawal of the rejection of independent claim 22 and dependent claims 27-30, which depend from independent claim 22.

As amended, independent claim 60 recites features that are similar to the features discussed above in connection with independent claim 22 and does so in the context of a medium storing processor-executable process steps. Accordingly, for at least the reasons discussed above in connection with independent claim 22, applicants request reconsideration and withdrawal of the rejection of independent claim 60 and dependent claims 65-68, which depend from independent claim 60.

Claims 31-33 and 69-71

As amended, independent claim 31 recites, among other features, selecting a particular sub-group of consumers as a match for a particular consumer, determining an adjustment factor for use in adjusting a currency-normalized stored value that is reflective of the particular consumer's currency-normalized preference for at least one attribute level, and adjusting the stored currency-normalized value that is reflective of the particular consumer's currency-normalized preference for the at least one attribute level as a function of the determined adjustment factor and an average value of the particular sub-group's currency-normalized preference for the at least one attribute level.

For reasons that are similar to those discussed above in connection with independent claims 1 and 39, Herz and Allenby, when taken alone or in combination, do not describe or suggest these newly added features of independent claim 31. Accordingly, applicants request reconsideration and withdrawal of the rejection of independent claim 31 and dependent claims 32 and 33, which depend from independent claim 31.

As amended, independent claim 69 recites features that are similar to the features discussed above in connection with independent claim 31 and does so in the context of a medium storing processor-executable process steps. Accordingly, for at least the reasons discussed above in connection with independent claim 31, applicants request reconsideration and withdrawal of the rejection of independent claim 69 and dependent claims 70 and 71, which depend from independent claim 69.

Conclusion

Applicants submit that all claims are in condition for allowance.

Applicant : Sev K. H. Keil et al.
Serial No. : 09/845,051
Filed : April 27, 2001
Page : 24 of 24

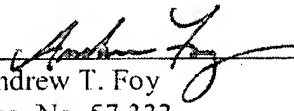
Attorney's Docket No.: 24491-0007001

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of \$470 in payment of the Request for Continued Examination Fee (\$405) and the Petition for One-month Extension of Time Fee (\$65) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits due in connection with the filing of this Amendment or otherwise to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 2/28/2009



Andrew T. Foy
Reg. No. 57,333

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945